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Docket No. : 12194-3/JWE (previously 12194-1)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Feb. 12, 2001, 2000-

*Marianne Gauthier*

**STRADLING YOCCA CARLSON & RAUTH**  
P.O. Box 7680  
Newport Beach, CA 92660-6441  
(949) 725-4000

Applicant or Patentee : Rogerson, et al.  
Application or Patent No. : 09/613,340  
Filed or Issued : July 10, 2000  
Entitled : MODULAR ENTERTAINMENT SYSTEM CONFIGURED  
FOR MULTIPLE BROADBAND CONTENT DELIVERY  
INCORPORATING A DISTRIBUTED SERVER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR § 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

       the owner of the small business concern identified below:  
 X  an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN : Rogerson Aircraft

ADDRESS OF SMALL BUSINESS CONCERN : 2201 Alton Parkway, Irvine, California 92606

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled \_\_\_\_\_ by inventor(s) \_\_\_\_\_ described in

       the specification filed herewith

X  Application No. 09/613,340 filed July 10, 2000

       Patent No. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person, made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR § 1.9(f) and 1.27(c))**  
**SMALL BUSINESS CONCERN**

**Docket No.: 12194-3/JWE** (previously 12194-1)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b))

NAME :  
ADDRESS :  
\_\_\_\_\_ INDIVIDUAL \_\_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_\_ NONPROFIT ORGANIZATION

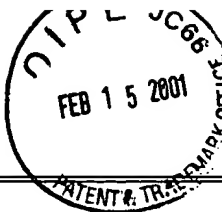
NAME :  
ADDRESS :  
\_\_\_\_\_ INDIVIDUAL \_\_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_\_ NONPROFIT ORGANIZATION

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, in any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Michael Rogerson  
TITLE OF PERSON IF OTHER THAN OWNER : CEO  
ADDRESS OF PERSON SIGNING : 2201 Alton Parkway, Irvine, California 92606

SIGNATURE \_\_\_\_\_ DATE 2/1/01

JWE/mg



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Rev. 5/00

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATIONS**

PATENT

Docket No. : 12194-3/JWE (previously 12194-1)

As an inventor, I declare:

My residence address and citizenship are as stated next to my name. I believe I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural names are listed below) of the invention claimed in the patent application entitled:

(1) **MODULAR ENTERTAINMENT SYSTEM CONFIGURED FOR MULTIPLE BROADBAND CONTENT DELIVERY INCORPORATING A DISTRIBUTED SERVER** the specification of which

(2) \_\_\_\_\_ is attached.

(3) X was filed on July 10, 2000 as Serial No. 09/613,340 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR § 1.56.

(4) \_\_\_\_\_ I hereby claim the benefit under Title 35, U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application Serial Number                      Filing Date

(5) \_\_\_\_\_ I claim foreign priority benefits under 35U.S.C. § 119(a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) \_\_\_\_\_ Priority Claimed \_\_\_\_\_

Number	Country	Day/Month/Year	Yes	No
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(6) \_\_\_\_\_ I claim the benefit under 35U.S.C. § 120 of any United States application(s) listed below and, insofar as this application discloses and claims subject matter not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37CFR § 1.56 which occurred between the filing date of the prior application and the national or Patent Cooperation Treaty International filing date of this application:

Application Serial Number	Filing Date	Patented/Pending/Abandoned
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I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(7) **POWER OF ATTORNEY:** I The undersigned applicant(s) for the above-identified application hereby appoint(s) John W. Eldredge (37, 613):

and the attorneys and agents doing business as the law firm STRADLING, YOCCA, CARLSON & RAUTH, telephone (949) 725-4000, as principal attorney with power to appoint associate attorneys, to prosecute this application and any international application under the Patent Cooperation Treaty based on it and to transact all business in the U.S. Patent and Trademark Office connected with either of them in accordance with instructions from the assignee of the entire interest in this application; or from the first or sole inventor named below in the event the application is not assigned; or from \_\_\_\_\_

in the event the power granted herein is for an application filed on behalf of a foreign attorney or agent. The authority under this Power of Attorney of each person named above shall automatically terminate and be revoked upon such person ceasing to be a member or associate of or of counsel to that law firm.

**SEND CORRESPONDENCE TO:** STRADLING YOCCA CARLSON & RAUTH,  
1600 Newport Center Drive, Suite 1600  
Newport Beach, California 92660

**DIRECT TELEPHONE CALLS TO:** Attorney: John W. Eldredge (949) 725-4143

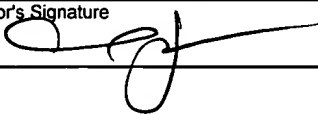
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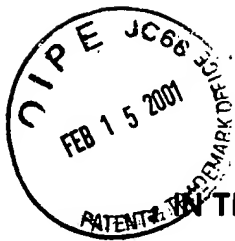
Rev. 5/00

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATIONS**

**PATENT**

Docket No. : 12194-3/JWE (previously 12194-1)

Full Name of First or Sole Inventor <b>Michael Rogerson</b>	Inventor's Signature 	Date <b>2/1/01</b>
Residence and Post Office Address <b>2201 Alton Parkway, Irvine, California 92606</b>		Citizenship <b>US</b>



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 12, 2001*

*Marianne Gauthier*  
Signature

10 Applicant : Michael Rogerson  
Application No.: : 09/613,340  
Filed : July 10, 2000  
Title : MODULAR ENTERTAINMENT SYSTEM CONFIGURED FOR  
15 MULTIPLE BROADBAND CONTENT DELIVERY  
INCORPORATING A DISTRIBUTED SERVER

Grp./Div. : Not yet assigned  
Examiner : Not yet assigned

20 Client Matter No. : 12194-3/JWE

STATEMENT UNDER 37 CFR § 1.48(f)(1)

25 Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7680  
Newport Beach, CA 92660-6441  
February 12, 2001

Commissioner:

30 In response to the Notice of Incomplete Reply, dated December 26, 2000, Applicant  
wishes to respond as follows.

In filing the application, Jefferson Amacker was incorrectly cited as inventor. Upon  
filing the Declaration and Power of Attorney, Mr. Amacker's name was retained on the formal  
documentation, but the Declaration was only executed by the sole inventor, Michael Rogerson.

35 Mr. Amacker's name was retained on the Declaration through oversight and without deceptive  
intent on the part of Applicant's attorneys.

**Application No. 09/613,340**

Applicant submits herewith a Declaration under 37 CFR § 1.63, executed solely by Michael Rogerson, as sole inventor, in accordance with 37 CFR 37 § 1.48(f)(1). Applicant earnestly solicits correction of this oversight in Office records.

Please address all correspondence to **STRADLING YOCCA CARLSON & RAUTH,**  
5 **IP Department, 660 Newport Center Drive, Suite 1600, P.O. Box 7680, Newport Beach,**  
**California 92660-6441.**

Respectfully submitted,

STRADLING YOCCA CARLSON & RAUTH

By: 

John W. Eldredge

**Reg. No. 37,613**

(949) 725-4143

JWE/mg